The opinion in support of the decision being entered today is <u>not</u> binding precedent of the Board.

Paper No. 120

Filed by: Motions Panel

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

ALFRED POLLAK and ANNE GOODBODY.

Junior Party, (Patent Nos. 5,662,885, 5,780,006 and 5,976,495),

V.

MAILED

APR - 8 2004

PAT. & T.M. OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

WILLIAM McBRIDE and RICHARD T. DEAN,

Senior Party (Application 08/253,973).

Patent Interference 104,789 (MPT)

Before: LANE, TIERNEY and NAGUMO, Administrative Patent Judges.

TIERNEY, Administrative Patent Judge.

FINAL JUDGMENT

Interference No. 104,789 Page No. 2

For the reasons provided in the Decision on Rule 641 and Order to Show Cause (Paper No. 119), it is:

ORDERED that McBride is not entitled to claims 2, 3, 7 and 10 of its U.S. Application 08/253,973 as these claims are unpatentable over Rodwell U.S. Patent No. 5,196,510 and Rodwell WO 91/17173.

FURTHER ORDERED that Pollak is not entitled to 1) Pollak U.S. Patent No. 5,662,885 claims 1-9 and 14-15; 2) Pollak U.S. Patent No. 5,780,006 claims 1-3, 5-6, 8-11 and 15-18; and 3) Pollak 5,976,495 claims 1-3, 5-6, 8-11 and 14-25.

FURTHER ORDERED that a copy of this decision be placed in the involved McBride U.S. Application No. 08/253,973 and Pollak's involved U.S. Patents 5,662,885, 5,780,006 and 5,976,495.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

SALLY GARDNER LANE Administrative Patent Judge)	
MICHAEL P. TIERNEY Administrative Patent Judge)))	BOARD OF PATENT APPEALS AND INTERFERENCES
MARK NAGUMO Administrative Patent Judge))))	INTERPERENCES

cc (via Federal Express):

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